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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

In re NICKOLAUS A., a Person Coming
Under the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

NICKOLAUS A.,

Defendant and Appellant.

C038304

(Super. Ct. No. JV100291)

In March 1998, the juvenile court declared Nickolaus A., a minor, a ward of the court based upon his having forcibly sexually molested his eight-year-old half brother (Pen. Code, § 288, subd. (a)). The court ordered him placed in a group home having a juvenile sexual offender treatment program, and he was so placed.

Unfortunately, the placement was ineffective because the minor engaged in additional sexual acts with the members of the group home, resulting in the filing of a seven-count supplemental petition (Welf. & Inst. Code, § 777, subd. (a)(2)). The minor admitted failing to follow the rules of the group home (count I) and the remaining counts were dismissed. The minor was ordered held in custody pending placement.

In September 2000, the minor was charged with oral copulation with a person less than 18 years of age (Pen. Code, § 288a, subd. (b)(1)). Following a contested jurisdictional hearing, the court sustained the charge. At the dispositional hearing, the court declared the offense a misdemeanor (Pen. Code, § 17, subd. (b)(5)). The court committed the minor to the California Youth Authority and ordered him to pay a \$100 restitution fine (Welf. & Inst. Code, § 730.6).

We appointed counsel to represent the minor on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) The minor was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from the minor. Having undertaken an examination of the entire record, we find no

arguable error that would result in a disposition more favorable to the minor.

The judgment is affirmed.

BLEASE, Acting P.J.

We concur:

DAVIS, J.

NICHOLSON, J.